

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
: Plaintiff, :
: :
v. : Criminal Action No. 99-033-2-JJF
: :
LEROY COLEY, : Civil Action No. 03-029-JJF
: :
Defendant. :
:

MEMORANDUM ORDER

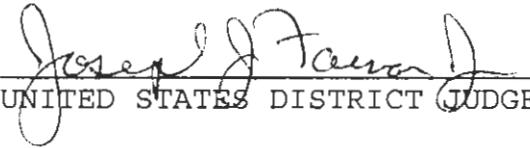
Pending before the Court is a Motion For Appointment Of Counsel Or Amicus (D.I. 313) filed by Defendant, Leroy Coley. By his Motion, Defendant contends that he has made numerous attempts to appeal his case, but that the Court has repeatedly ruled against him and counsel is necessary to help him understand the law and the remedies available to him.

There is no constitutional right to counsel in post-conviction collateral attacks, see Pennsylvania v. Finley, 481 U.S. 551, 555 (1987), and Defendant has not advanced a persuasive reason why representation is warranted at this stage of the proceeding. The fact that the Court has ruled against Defendant on the merits of his claims does not mean that Defendant lacks the ability to represent himself in these proceedings. To the contrary, Defendant has filed numerous pleadings in this and other actions before the Court and has demonstrated the ability to present his case to the Court in a comprehensible manner. Moreover, Defendant has not demonstrated any other factors supporting the appointment of counsel. See Tabron v. Grace, 6

F.3d 147, 155-157 (3d Cir. 1993).

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion For Appointment Of Counsel Or Amicus (D.I. 313) is DENIED.

April 4, 2006


UNITED STATES DISTRICT JUDGE